

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 185 - (Kothmann): Recognizing the week of May 12-19 as Tejano Conjunto Music Week in Texas.

H.C.R. 196 - (Truan): Honoring Dr. Edmundo Mireles of Corpus Christi.

H.C.R. 201 - (Truan): Honoring Dr. Vance Littleton, Superintendent of Corpus Christi Independent School District.

S.C.R. 149 - By Caperton: Honoring long and productive career of Dr. Leslie M. Reid at Texas A&M University.

S.R. 388 - By Edwards: Extending congratulations to Lite Rock FM 95.5, KOKE Radio staff.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:21 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SIXTY-FIFTH DAY

(Wednesday, May 8, 1985)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sharp.

A quorum was announced present.

Ambassador Ed Clark offered the invocation as follows:

O God of grace and glory, we remember before You this day our brother Ben. We thank You for giving him to us, his family and friends, to know and to love as a companion on our earthly pilgrimage. In Your boundless compassion, console us who mourn. Give us faith to see in death the gate of eternal life, so that in quiet confidence we may continue our course on earth until, by Your call, we are reunited with those who have gone before; through Jesus Christ our Lord.

And, now, may I say a prayer for our country which Ben would want us to do.

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom—in Thy name—we entrust the authority of government that there may be justice and peace, at home; and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth.

In times of prosperity, fill our hearts with thankfulness; and in the day of trouble suffer not our trust in Thee to fail. All of which we ask through Jesus Christ our Lord. Amen.

The President addressed the Senate and guests as follows:

We have come here today to honor the memory of Ben Ramsey. I shall not give a eulogy but a remembrance of the past; this is not a day of sadness, it is one of thanksgiving. As reported in the obituary, we know that Ben Ramsey was born in San Augustine, Texas on December 28, 1903. Ben loved his family—he married Florine Hankla and they had three children—Rita, Ann, and MariBen. He died on March 27, 1985 and was laid to rest in San Augustine where family, friends, and many present and past State officials paid their final respects.

Governor Ramsey served Texas as a State Representative, State Senator, Secretary of State, Lieutenant Governor, and member of the Railroad Commission. During his 38 years of service, his greatest love was the office of Lieutenant Governor—guiding legislation and enacting laws affecting his beloved State.

Ben was conservative in the truest and purest sense of the word. He never attacked the State, the church, or any government agency—as some have done—because he sought to conserve the best within all our institutions. He had the ability to recognize the failures of men; but, he was quick to forgive the man, if not his sin.

His wit was legendary, though never used to cut somebody down. Once, after a Senator had scolded and ridiculed a colleague, Ben told him, “You put on a great show, but I know one member of this body who will vote against any bill you ever introduce.” And when asked, “When does the Senate come to order?” Governor Ramsey quipped, “The Texas Senate never comes to order. It just meets.”

On another occasion, when I was parliamentarian, he sent me to ask a Senator to visit the rostrum so he could ask for the Senator’s vote on a particular bill. The Senator said, “Governor, I’d like to vote for your bill, but I’ve been getting an awful lot of mail against that bill.” After a moment of disdainful silence, Governor Ramsey replied, “Senator, why don’t you just go back home and send the postman up here to cast your vote!”

Two of Ben’s oldest and closest friends were Ed Clark and my cousin, Posh Oltorf. He often chided them gently. He said, “If Clark became more cantankerous, he would have to write a codicil to his will so we could hire pallbearers.” And, when he heard that Oltorf’s doctor had told him to cut down on his food and beverage consumption, he said, “I’m sure Posh got a second or tenth opinion.”

Born in San Augustine in 1903 to District Judge and Mrs. W. C. Ramsey, Governor Ramsey worked in his father’s law office for three years after graduating from San Augustine High School; he returned to San Augustine after getting his law degree from The University of Texas in 1931, the same year he won his first race in the Texas House of Representatives.

The 38 years of service and leadership Ben Ramsey gave to the State of Texas were notable for lasting accomplishments in many major areas of importance to Texans, including: conservation of mineral, water, and soil resources; highway improvement; insurance and securities reform; and improvements in the public and higher education systems.

While progressive for his time, Ben Ramsey remained a steadfast enemy of big government; he considered much government spending unnecessary, if not actually wrong; he remarked in one of his longer inaugural speeches, lasting over five

minutes, "It is our duty to balance the budget...Income must equal outgo. The cold facts of the balance sheet must be recognized"; he told a high school graduating class at San Augustine it must choose between "the concept of all-powerful government that has taken hold in some places in this country" or the individual American concept of individual initiative and individual rights.

A loyal Democrat all his life, Ben Ramsey, with the blessings of then U.S. Senator Lyndon Johnson and House Speaker Sam Rayburn, served as Democratic National Committeeman during 1955-1956, stayed with the party in 1952 and 1956, years when many Texas Democrats, including public officials, deserted the party to support Dwight Eisenhower.

While Ben Ramsey's accomplishments are a matter of record, he will always be remembered for his wit by all of those fortunate enough to have been close to him; somewhat reserved in public, he was warm and friendly in his personal relationships.

Governor Ramsey won his first race for Lieutenant Governor; he never lost an election; and in 1952, without making a single campaign speech, he won renomination with 83 percent of the vote.

Such are the highlights—the standards set by Governor Ben Ramsey. His service, devotion and passion for Texas and politics made him a giant among the tallest heroes in our history.

Two men guided my political life and shaped my philosophy more than any others—they were both Lieutenant Governors of Texas and revered that office—one was my father, the other was Ben Ramsey. I was his parliamentarian; he taught me what he knew; he taught me all I know. I can see him now, eyes cast downward at his upturned collar, whispering, "Bill, sit down, you have said enough." His guidance, his counsel, and his instinct to do the right thing is indelibly imprinted in the discharge of my responsibilities as presiding officer of this body. I am grateful to have known, loved and served under this great man.

SENATE RESOLUTION 386

Senator Blake offered the following resolution:

WHEREAS, On March 27, 1985, the family and many friends and admirers throughout Texas mourned the death, at age 81, of Ben Ramsey; elected to the office of Lieutenant Governor a record six terms from 1951 to 1961, Ben Ramsey had previously served two terms in the Texas House of Representatives and two terms in the Texas Senate; after retiring from the legislature, he was appointed Secretary of State by Governor Beauford Jester in 1949 and resigned a year later to enter his first statewide campaign; his last public office was as a member, and ultimately chairman, of the Railroad Commission—first by appointment in 1961, then by election—for 15 years until his retirement in 1976; and

WHEREAS, The 38 years of service and leadership Ben Ramsey gave to the State of Texas were notable for lasting accomplishments in many major areas of importance to Texans, including: conservation of mineral, water, and soil resources; highway improvement; insurance and securities reform; and improvements in the public and higher education systems; and

WHEREAS, A loyal Democrat all his life, Ben Ramsey, who, with the blessings of then U.S. Senator Lyndon Johnson and House Speaker Sam Rayburn, served as Democratic National Committeeman during 1955-1956, stayed with the party in 1952 and 1956, years when many Texas Democrats, including officeholders, deserted the party to support Dwight Eisenhower; and

WHEREAS, While Ben Ramsey's accomplishments are a matter of record, he will always be remembered for his wit by all of those fortunate enough to have been

close to him; somewhat reserved in public, he was warm and friendly in his personal relationships; and

WHEREAS, Perhaps his favorite role in politics was presiding over the Texas Senate; the late Allen Duckworth of The Dallas Morning News wrote "Ramsey is a patient politician. His greatest talent as president of the State Senate has been an ability to calm tempers and work out agreements between violently opposed parties"; and

WHEREAS, His humor delighted associates throughout his career; a supporter remembers that on one of his campaign trips he declined to leave his hotel room in one town, despite urging that he should get out and shake some hands; "None of them is going to vote for me anyway," Ben explained; he was probably wrong; although his first campaign for lieutenant governor was won in a runoff, he never lost an election; and in 1952, without making a single campaign speech, he won renomination with 83 percent of the vote; and

WHEREAS, Asked "When does the Senate come to order?", the Lieutenant Governor quipped to a reporter, "The Texas Senate never comes to order. It just meets"; and

WHEREAS, As a state official, Ben Ramsey paid little attention to political pressure; a friend who entered the Lieutenant Governor's office through a side door found him alone inside casually reading a newspaper; the friend somewhat excitedly told him: "Governor, there are about ten very important people outside wanting to get in and see you"; without lowering his newspaper, Ramsey replied: "Well, sit down and be quiet. Maybe they'll go away"; and

WHEREAS, While progressive for his time, Ben Ramsey remained a steadfast enemy of big government; he considered much government spending unnecessary, if not actually wrong; he remarked in one of his longer inaugural speeches, lasting over five minutes, "It is our duty to balance the budget...Income must equal outgo. The cold facts of the balance sheet must be recognized"; he told a high school graduating class at San Augustine it must choose between "the concept of all-powerful government that has taken hold in some places in this country" or the traditional American concept of individual initiative and individual rights; and

WHEREAS, Born in San Augustine in 1903 to District Judge and Mrs. W. C. Ramsey, Governor Ramsey worked in his father's law office for three years after graduating from San Augustine High School; he returned to San Augustine after getting his law degree from The University of Texas in 1931, the same year he won his first seat in the Texas House of Representatives; and

WHEREAS, Ben Ramsey was a devoted family man in the truest sense of that term; his loyal wife, Florine Hankla, also from San Augustine, presented him with three loving daughters, Rita Rhea, Ann Hankla, and MariBen; and Governor Ramsey gave his family priority over all other matters; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, pay tribute to the memorable life of Ben Ramsey and extend sincere sympathy to his family on its loss of this esteemed Texan; and, be it further

RESOLVED, That a page in the Senate Journal be set aside in memory of Ben Ramsey, that copies of this Resolution be prepared for the members of his family, and that when the Texas Senate adjourns this day, it do so in memory of Lieutenant Governor Ben Ramsey, whose service to Texas was significant in history.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Blake and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

The President introduced Governor Mark White, who addressed the Senate.

The President presented additional guests, Mrs. Allan Shivers; former Lieutenant Governor Ben Barnes, and former Senate Parliamentarian, Nancy Moody.

The President then introduced Governor Ramsey's family; Mrs. Florine Ramsey and daughters Rita, Ann and MariBen.

An enrolled copy of S.R. 386 was presented to Mrs. Ramsey.

The President expressed appreciation to the family and many guests for their attendance today to honor Governor Ramsey.

AT EASE

The President at 10:53 o'clock a.m. announced the Senate would stand At Ease pending the departure of guests.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 11:03 o'clock a.m.

LEAVE OF ABSENCE

Senator Sharp was granted leave of absence for today on account of illness in family on motion of Senator Traeger.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 533, Relating to certain technical corrections and miscellaneous amendments to certain provisions of the Texas Business Corporation Act, as amended, the Texas Miscellaneous Corporations Laws Act, Texas Non-Profit Corporation Act.

S.B. 1296, Relating to the creation of a Geo-Technology Research Institute.

S.C.R. 146, Extends a warm welcome to the Rider High School A Capella Choir and its exceptional director, Mr. Donald B. Cowan, and express its appreciation for sharing its talents with us today.

H.B. 46, Relating to the authority of a county to adopt zoning and building construction ordinances for the areas around certain lakes.

H.B. 106, Relating to the use of forfeited controlled substances and raw materials for law enforcement purposes and creating the offense of improper diversion of substances and materials.

H.B. 157, Relating to the screening and treatment for dyslexia and related disorders of students enrolling in a public school in this State for the first time.

H.B. 226, Relating to the State's liability for and defense of certain claims against certain public servants.

H.B. 575, Relating to the authority of a city to impose taxes on the property or residents in an annexed area if the annexation has not been approved under the federal Voting Rights Act.

H.B. 669, Relating to the jurisdiction of the supreme court in certain civil cases.

H.B. 740, Relating to the appointment and certification of railroad peace officers, their duties and powers, the scope of their employment, and liability for their acts and omissions.

H.B. 1263, Relating to the eligibility for unemployment compensation benefits of certain direct sales agents.

H.B. 1583, Relating to the review of the creation of regulatory State agencies, advisory committees and programs.

H.B. 1610, Relating to the authority of counties to regulate the storage, transportation and disposal of solid waste in the form of scrap tires.

H.B. 1912, Relating to the use of live animals as a lure in dog race training or in dog coursing on a racetrack.

H.B. 2027, Relating to certain counties appointing a budget officer.

H.B. 2444, Relating to taking sand, gravel, marl, shell, and mudshell from Cedar Bayou in Aransas County.

H.C.R. 107, Requesting the Texas Department of Human Resources to use any available unexpended State funds appropriated to the department for purposes of administering the Temporary Emergency Food Assistance Program.

H.J.R. 53, Proposing a constitutional amendment to abolish the office of county treasurer in Andrews County.

H.B. 245, Relating to the use of gifts made to the State Preservation Board to repay the house of representatives for certain renovation expenditures.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

H.B. 104
H.B. 2236 (Amended)
H.B. 2092
H.B. 128
H.B. 2151
H.B. 335
H.B. 252
H.B. 339
S.B. 1421
S.B. 1186
S.B. 1425

S.B. 1426
C.S.S.B. 513

Senator Blake submitted the following report for the Committee on Administration:

H.C.R. 105

Senator Caperton submitted the following report for the Committee on Criminal Justice:

S.B. 1069 (Amended)
S.B. 1251
S.B. 1428
H.B. 60
H.B. 826
H.B. 833
C.S.H.B. 667
C.S.H.B. 1678

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.C.R. 140
H.C.R. 115
H.B. 282
H.B. 2066
S.B. 1392 (Amended)
S.C.R. 130
S.B. 667
H.B. 36
H.B. 85
C.S.S.B. 949
C.S.S.B. 512
C.S.S.B. 684
C.S.H.B. 1119
C.S.S.B. 1176
C.S.H.B. 220
C.S.S.B. 1255

Senator Parker submitted the following report for the Committee on Education:

H.B. 1531
S.B. 276
S.B. 1344
H.B. 433
S.C.R. 118
S.C.R. 74
C.S.S.C.R. 92
C.S.S.B. 673

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Caperton and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

- S.C.R. 151** by Montford Jurisprudence
Granting Empire Generator Corporation permission to sue the State of Texas.
- S.C.R. 152** by Traeger Jurisprudence
Granting H. B. Zachry permission to sue the State of Texas.
- S.C.R. 153** by Traeger Jurisprudence
Granting H. B. Zachry Company permission to sue the State of Texas.
- S.B. 1442** by Caperton Education
Relating to the consequences of a member of the faculty at an institution of higher education being absent from work on a religious holy day.
- S.B. 1443** by Caperton Education
Relating to prohibiting denial of certain salary bonuses or similar compensation or career ladder advancement because of a teacher's absence from school for observance of a religious holy day.
- S.B. 1444** by Whitmire Intergovernmental Relations
Relating to the submission and approval of certain plats in cities of 1,500,000 residents or more.
- S.B. 1445** by Brooks Education
Relating to the organization and operation of Texas A&M University at Galveston; amending Sections 87.201, 87.202, and 87.205, Education Code, as amended.
- S.B. 1446** by Sims Intergovernmental Relations
Relating to the authority of certain counties to enact ordinances on various subjects; providing a penalty.
- S.B. 1447** by Harris Economic Development
Relating to the regulation of trust companies.
- S.B. 1448** by Sarpalius Natural Resources
Relating to the election date for the Buffalo Lake Water District.
- S.B. 1449** by Howard Jurisprudence
Relating to the allocation and apportionment of certain taxes among persons interested in the estate of a decedent.
- S.B. 1450** by Howard Economic Development
Relating to distribution of the assets of a nonprofit corporation on dissolution of the corporation.
- S.B. 1451** by Howard Jurisprudence
Relating to the disclaimer of an interest in certain property of a decedent by the person or the personal representative of the person entitled to receive the property, and to the representation of certain persons in probate proceedings.
- S.B. 1452** by Jones Finance
Relating to a transfer of funds and a supplemental appropriation for disasters and emergencies.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

- H.J.R. 19**, To Committee on Natural Resources.
H.B. 46, To Committee on Intergovernmental Relations.
H.B. 168, To Committee on State Affairs.
H.B. 196, To Committee on Natural Resources.

H.B. 478, To Committee on Intergovernmental Relations.
H.B. 580, To Committee on State Affairs.
H.B. 690, To Committee on State Affairs.
H.B. 938, To Committee on State Affairs.
H.B. 978, To Committee on Education.
H.B. 1333, To Committee on Intergovernmental Relations.
H.B. 1485, To Committee on State Affairs.
H.B. 1561, To Committee on Intergovernmental Relations.
H.B. 1717, To Committee on Natural Resources.
H.B. 1718, To Committee on Natural Resources.
H.B. 1731, To Committee on Education.
H.B. 1743, To Committee on Natural Resources.
H.B. 1861, To Committee on Economic Development.
H.B. 2053, To Committee on Criminal Justice.
H.B. 2305, To Committee on Economic Development.

CO-SPONSORS OF HOUSE BILL 460

On motion of Senator Lyon and by unanimous consent, Senators Washington and Whitmire will be shown as Co-sponsors of H.B. 460.

GUESTS PRESENTED

Senator Traeger was recognized and introduced Dr. Stanley Woodward of New Braunfels, the Capitol Physician for the Day.

Dr. Woodward was accompanied by medical student, Elizabeth Latrell.

The Senate welcomed them and expressed appreciation for their service.

SENATE RESOLUTION 389

Senator Barrientos offered the following resolution:

S.R. 389, Commending Project Head Start for years of service to Texas school children.

The resolution was read and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 7, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE ECONOMIC DEVELOPMENT COMMISSION:

For a term to expire February 15, 1991:

HUGH G. ROBINSON
2828 North Haskell Ave.
Dallas, Texas 75221

(Mr. Robinson is being reappointed.)

For a term to expire February 15, 1989:

BOB L. HERCHERT

5808 Havenwood Ct.

Fort Worth, Texas 76112

(Mr. Herchert is replacing Mr. Jon Brumley of Fort Worth, Tarrant County, Texas, who resigned.)

For a term to expire February 15, 1991:

JOE E. RUSSO

121 N. Post Oak Lane, #1906

Houston, Texas 77024

(Mr. Russo is replacing Mr. Narciso O. Cano, Jr., of San Antonio, Bexar County, Texas, whose term expired.)

For a term to expire February 15, 1991:

GEORGE MCLAUGHLIN

5990 N. Circuit Drive

Beaumont, Texas 77701

(Mr. McLaughlin is replacing Mr. Jon P. Underwood of Austin, Travis County, Texas, whose term expired.)

For a term to expire February 15, 1991:

CLYDE H. ALEXANDER, II

245 Willowbrook Dr.

Athens, Texas 75751

(Mr. Alexander is replacing Mr. Marcus Nils Mauritz of Ganado, Jackson County, Texas, whose term expired.)

For a term to expire February 15, 1989:

WILLIAM H. CROOK

227 N. Mitchell

San Marcos, Texas 78666

(Mr. Crook is replacing Mr. Lucien Flournoy of Alice, Jim Wells County, Texas, who resigned.)

Respectfully submitted,

/s/Mark White

Governor of Texas

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2 ADOPTED

Senator Montford called from the President's table the Conference Committee Report on **H.B. 2**. (The Conference Committee Report having been filed with the Senate and read on Tuesday, May 7, 1985.)

On motion of Senator Montford, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION 6 ADOPTED

Senator Santiesteban called from the President's table the Conference Committee Report on **H.J.R. 6**. (The Conference Committee Report having been filed with the Senate and read on Tuesday, May 7, 1985.)

On motion of Senator Santiesteban, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

SENATE BILL 295 WITH HOUSE AMENDMENTS

Senator Traeger called **S.B. 295** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Taylor

Amend **S.B. 295** as follows:

On Page 7, Lines 16 and 17, delete the words "during each four year period following the effective date of coverage under this Act." and substitute therefor the words "every six years."

Committee Amendment No. 2 - Lee

Amend **S.B. 295** as follows:

On Page 3, Line 16, delete the word "employer" and substitute therefor the word "employee".

Floor Amendment No. 1 - Delco

Amend **S.B. 295** as follows:

On page 3, line 1, insert the following after "employee," and before the words "the institution" on line 2:

"the institution must provide optional coverage at no cost to the employee. If the employee chooses the basic coverage rather than optional coverage,"

The amendments were read.

Senator Traeger moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

SENATE BILL 644 WITH HOUSE AMENDMENT

Senator Barrientos called **S.B. 644** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - Guerrero

Amend **S.B. 644** by striking Section 5 and substituting the following Section 5 in lieu thereof:

"Section 5. LOCAL ORDINANCES. The governing body of any city, including a home-rule city, affected by the provisions of this Act may grant transferrable construction rights or adopt other measures that are reasonable to mitigate the impact of this Act in an affected view corridor, on application by affected property owners, prior to December 31, 1985. After December 31, 1985, the governing body may not grant additional transferrable construction rights, and all applicable local ordinances relating to the grant of transferrable construction rights or other measures mitigating the impact of this Act expire effective January 1, 1986. Any such construction right shall expire and forever terminate unless exercised within thirty six (36) calendar months from the date the local governing body last approves the transfer of the construction right. In any event, any such ordinance having as its subject matter transferrable construction rights or measures to mitigate the impact of this Act must be consistent with the requirements of the city's zoning ordinance and land use plan.

The amendment was read.

Senator Barrientos moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

SENATE BILL 446 WITH HOUSE AMENDMENT

Senator Howard called **S.B. 446** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amend **S.B. 446** by adding the following sentence at the end of Section 1:

"Provided however nothing in this act shall authorize a commissioners court to exercise any ordinance making authority not otherwise specifically authorized by state law."

The amendment was read.

Senator Howard moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

SENATE BILL 1304 RECOMMITTED

On motion of Senator Truan and by unanimous consent, **S.B. 1304** was recommitted to the Committee on Natural Resources.

MESSAGE FROM THE HOUSE

House Chamber

May 8, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to **H.B. 20** and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Rudd, Chairman; Hollowell, McWilliams, Toomey, Madla.

The House refused to concur in Senate amendments to **H.B. 1593** and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Rudd, Chairman; Stiles, Wolens, Oliviera, Vowell.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 245**. House Conferees: Eckels, Chairman; Connelly, Dutton, Emmett, Hilbert.

S.C.R. 138, Commending the Fort Worth Star-Telegram and reporter Mark J. Thompson for receiving the Pulitzer Prize for Public Service.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CONFERENCE COMMITTEE ON HOUSE BILL 20

Senator Jones called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 20** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 20** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Chairman; Howard, Caperton, Traeger, Farabee.

CONFERENCE COMMITTEE ON HOUSE BILL 1593

Senator Jones called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1593** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 1593** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Chairman; Leedom, Blake, McFarland, Glasgow.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 92	H.C.R. 165
H.C.R. 182	H.C.R. 168
H.C.R. 183	H.C.R. 180
H.C.R. 186	H.B. 123
H.C.R. 175	H.B. 508
H.C.R. 2	H.B. 729
H.C.R. 4	H.B. 1011
H.C.R. 6	H.B. 1105
H.C.R. 53	H.B. 1830
H.C.R. 85	H.B. 2153
H.C.R. 90	H.C.R. 122
H.C.R. 91	H.C.R. 159
H.C.R. 101	

COMMITTEE SUBSTITUTE SENATE BILL 744 ON THIRD READING

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 744, Relating to the offense of improperly displaying an abusable glue or aerosol paint or delivering an abusable glue or aerosol paint to a person who is younger than 17 years of age.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Santiesteban, Sarpalius, Sims, Traeger, Truan, Williams.

Nays: Brooks, Krier, Parmer, Uribe, Washington, Whitmire.

Absent: Parker.

Absent-excused: Sharp.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Barrientos, Brooks, Mauzy, Washington, Whitmire and Uribe asked to be recorded as voting "Nay" on the on final passage of the bill.

(Senator Traeger in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 704 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 704, Relating to excusing prospective jurors for cause; amending Subsection (c), Section 12.03, Penal Code, and Section (a), Article 35.16, Code of Criminal Procedure, 1965, as amended.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 704 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 704** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Barrientos, Mauzy, Washington.

Absent: Parker.

Absent-excused: Sharp.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3. (Same as previous roll call)

SENATE BILL 475 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 475, Relating to health risk assessments of the effects of toxic substances and to the establishment of a birth defects monitoring program.

The bill was read second time and was passed to engrossment.

(Senator Brooks in Chair)

SENATE BILL 475 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 475** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sharp.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended. The House has adopted the Conference Committee Report on **H.J.R. 6** by a record vote of 127 ayes, 15 noes, 3 present not voting.

All necessary rules suspended. The House has adopted the Conference Committee Report on **H.B. 2** by a vote of 125 ayes, 17 noes and 2 present not voting.

H.B. 1509, Relating to the regulation and sale of natural and synthetic natural gas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 1018 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1018, Relating to restrictions, duties and obligations of a surface owner executing Relinquishment Act leases on behalf of the State of Texas, and the authority of the Commissioner of the General Land Office when the surface owner exceeds his authority.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1018 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1018 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Sims, Washington.

Absent-excused: Sharp.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Sims.

Absent-excused: Sharp.

COMMITTEE SUBSTITUTE SENATE BILL 1415 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1415, Amending Article 11.01 and Article 11.20, Insurance Code of Texas, relating to converting, consolidating and merging a mutual life insurance company.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1415 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1415 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sharp.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 1350 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1350, Relating to the conveyance of certain state-owned real property in Williamson County.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend Subsection (b), SECTION 4 of C.S.S.B. 1350 by revising Subsection (b) to read as follows:

“(b) Contingent upon the passage of S.B. 43, Acts of the 69th Legislature, Regular Session, 1985, the proceeds of this sale are to be deposited in the Texas

capital trust fund. Of the amount deposited in the Texas capital trust fund, 15 percent shall be transferred to the special community centers facilities construction fund and appropriated to the Texas Department of Mental Health and Mental Retardation for community center construction and renovation as provided in Section 3.11, Texas Mental Health and Mental Retardation Act (Article 5547-203, Vernon's Texas Civil Statutes). An additional 20 percent of the proceeds of the sale authorized in Section 1 of this Act is hereby appropriated to the Texas Department of Mental Health and Mental Retardation from the Texas capital trust fund for the purchase of land and the construction thereon of facilities for a rehabilitation center to replace the one authorized for sale in Section 1 of this Act and for other construction and improvements as approved by the Board of Mental Health and Mental Retardation."

The amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1350 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1350 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sharp.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sharp.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 925 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 925, Relating to conversion privileges under defined health insurance policies for certain dependents.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 925 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 925 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Jones, Washington.

Absent-excused: Sharp.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber

May 8, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 611, Relating to ownership of library materials and equipment purchased with funds appropriated under the Library Systems Act: amending Section 15, Article 5446a, Vernon's Texas Civil Statutes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:15 o'clock a.m. on Thursday, May 9, 1985, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

PRESENTATION BY PRESIDENT

The President requested that Senator Montford come to the President's rostrum.

The President presented to Senator Montford a glass of clear, pure water and the gavel used in the passage of the water bills.

CONGRATULATORY RESOLUTION

H.C.R. 202 - (Barrientos): Commending Project Head Start for years of service to Texas school children.

RECESS

On motion of Senator Mauzy, the Senate at 12:15 o'clock p.m. took recess until 8:15 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(May 7, 1985)

H.B. 4 (Effective September 1, 1985)

H.B. 332 (Effective August 26, 1985)

H.B. 1207 (Effective August 26, 1985)

H.B. 1229 (Effective immediately)

S.C.R.	1
S.C.R.	20
S.C.R.	120
S.C.R.	119
S.C.R.	137
H.C.R.	126
H.C.R.	157
H.C.R.	166

SIXTY-FIFTH DAY

(Continued)

(Thursday, May 9, 1985)

AFTER RECESS

The Senate met at 8:15 o'clock a.m. and was called to order by Senator Blake.

SENATOR ANNOUNCED PRESENT

Senator Sharp who had previously been recorded as "Absent-excused" was announced "Present".

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

The regular order of business having been suspended by provisions of S.R. 8, adopted by the 69th Legislature, the following bills/resolutions were laid before the Senate, read second time, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-day Rule and final passage indicated after caption of each bill).

C.S.S.C.R. 89 (Parmer) Requesting the Texas Department of Human Resources use any available unexpended State funds appropriated to the Department for purposes of administering the Temporary Emergency Food Assistance Program. (vv)

S.C.R. 90 (Parmer) Requesting the Texas Department of Agriculture be directed to study the feasibility of providing tax incentives that encourage donations to food banks. (vv)

C.S.S.C.R. 108 (Brown) Granting James and Theresa Jackson permission to sue the State of Texas. (vv)

C.S.S.C.R. 109 (Brown) Granting Lottie K. and Gregory T. Burk permission to sue the State of Texas. (vv)

C.S.S.C.R. 110 (Brown) Granting permission to George and Betty Parks to sue the State of Texas. (vv)

C.S.S.C.R. 111 (Brown) Granting James H. Pogue and Karen H. Pogue permission to sue the State of Texas. (vv)

S.B. 474 (Parker) Relating to the reporting of occupational diseases to the Texas Department of Health. (30-1) Washington "Nay" (31-0)

S.B. 660 (Parmer) Relating to certain proceedings affecting the parent-child relationship. (30-1) Washington "Nay" (31-0)